

**Opening Statement of Republican Leader Bob Latta
Subcommittee on Communications and Technology
“Preserving an Open Internet for Consumers, Small Businesses, and Free
Speech”
February 7, 2019**

As Prepared for Delivery

Good morning and welcome to our first Subcommittee hearing of 2019. I’m happy to see my colleague Chairman Doyle starting off right away with a subject that has attracted so much attention for the past 15 years. Despite the long track record on net neutrality, I believe there is plenty of room for consensus here. And there is also great need for consensus.

In my district as in many others across the nation, our constituents want us to focus on getting broadband out there to close the digital divide. And the uncertainty generated by these years of net neutrality wars is very unhelpful to that goal. So, I’m hopeful that this is the year we can finally come together on a permanent legislative solution.

I’d like to welcome all our witnesses, especially former FCC Chairman Michael Powell. As Chairman he had the distinction of creating a bipartisan consensus on this subject in 2004. The four Internet freedoms he outlined for consumers – freedom to access the lawful content of their choice, use applications and devices of their choice, and receive

meaningful information about their service plans – still serve as the benchmark for what we are trying to accomplish with net neutrality rules.

Since then, there have been several attempts to create consensus in Congress, and I think it would be instructive for us to go back and consider some of them as potential starting points for our conversation this year. To that end, yesterday I introduced a bill that closely tracks Chairman Waxman's proposed legislation from 2010, the last attempt at compromise on this issue from our Democratic colleagues on this committee. Like most attempts over the years in Congress and the FCC alike, this bill focuses on the potential behaviors of concern, namely, blocking, throttling, and discriminatory practices.

What it does not include is the drastic, outlier measure of reclassifying broadband into Title II, the part of statute meant to regulate the monopoly telephone carrier of last century. Title II is from the era of this antique that was used by my family before telephones even had rotary dials.

And the phones weren't all that was heavy about Title II. Title II carries with it close to 1000 common carrier regulations, a nightmare of government micromanagement, both for the providers bringing the power of the Internet into our pockets on devices like these and for their customers alike.

Reversing the consensus on classification made by Chairmen Powell, Martin, and Genachowski, the FCC dropped the anvil of Title II onto broadband providers in 2015. At the time, the FCC did forbear from applying over 700 of those regulations to broadband service, at least temporarily. But that just begs the question of why anyone still views Title II as a critical component to net neutrality legislation, instead of complete overkill.

Chairman Waxman recognized, three years after the first iPhone was introduced, that he didn't need Title II to protect Chairman Powell's four freedoms and ensure an open internet. And we don't either.

In fact, since the reversal of the 2015 Open Internet Order, the internet has continued to remain open and free. Americans have not been restricted from freely searching, posting, or streaming content. It's clear that Title II is not needed to protect consumer access to the internet.

I look forward to hearing from all the witnesses, today, and as we move forward on a long-awaited legislative compromise.